

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-091171

04/15/2011

HON. M. JEAN HOAG

CLERK OF THE COURT
E. Toledo
Deputy

IN RE THE MARRIAGE OF
KEVIN EARL BROMLEY

KEVIN EARL BROMLEY
1621 W LYNWOOD ST
PHOENIX AZ 85007

AND

ALISA CHRISTINE OVERTON-BROMLEY

ELIZABETH J ZANON

JENNIFER C RYAN-TOUHILL
BARBARA KIFFMEYER
P.O. BOX 10698
TEMPE AZ 85284

MINUTE ENTRY

The parties were married February 14, 2006.

There is one child born prior to the marriage: James (DOB 10/27/2005) and two children born during the marriage: Jetta (DOB 04/02/2008) and Hope (DOB 09/23/2010).

Wife is not now pregnant. Wife wishes to be restored to her maiden name of Overton.

Father has resided in Arizona since May, 2007 as have James and Jetta.

PRIMARY CARETAKER

Wife has historically been the primary caretaker. In September, 2009, Father was designated primary caretaker of James and Jetta. Father has now learned he fathered Hope as well and he is happy about this: "It is kind of an ego thing. I am happy she was not pregnant with

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another man's baby." Father, now, has concerns for Hope's well being. Hope lives in California with Mother.

MENTAL HEALTH ISSUES

Mother is taking a prescribed medication, Prozac. Father states he noticed a change in Mother's behavior when his brother died when she became irrational. Mother stated in her medical records to medical personnel that a brother-in-law and a relative in her family had committed suicide. Mother has had a number of suicide attempts herself: In 2003, she "hung herself to unconsciousness" in her garage and in 2009, she overdosed.

Father has been accused of sexually abusing his son. He was interviewed by the police and the police report is in evidence. The matter was reported to CPS. Thereafter, Father filed for emergency custody.

The parties reunited in November and by February, 2010, Father noticed that Mother was becoming unstable again. He left Mother and went to San Diego with the two children. Father had no contact with Mother until May, 2010. Mother provided no contact information to Father. Father returned to Mesa and filed for divorce.

Father has consistently tested at TASC and consistently tested positive for ETOH. Father states he doesn't have a problem. Previously, Father admitted he used meth. The last time he used was January of 2010. It appears to this Court that Father uses illegal drugs when he becomes overstressed.

Mother testified she has been clean "for almost a year." She did do meth with Father in the past. Her medical records support a history of drug use and her urinalysis reports support her testimony that she has been testing clean.

Mother testified Father was cited for driving with the children without seatbelts in November, 2010.

The wishes of the children:

The children are too young to interview.

Primary Caretaker:

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Father has been primary caretaker of the two older children; Mother is primary caretaker of the youngest child, Hope. Father does not have concerns about Mother being the caretaker of Hope.

The interaction and interrelationship:

Father has been full time caretaker of the children. He takes them to daycare during the day. James is in Head Start.

Father has never seen Hope.

Father made plans with Mother on November 22, 2010 to see Hope but, according to Father, Mother never showed up. Father exchanged a number of texts with Mother on that date. The Court's chief concern is that when Father is overwhelmed, he ships the children to Heather in Texas. While Heather, paternal aunt, presents as a caring and loving aunt who takes excellent care of the children, it concerns the Court that Father resorts to this for his back up rather than developing effective coping skills to care for his children.

Children's adjustment to home/school/community:

At one point, during the spring of 2010, Father sent the children to Texas when, according to Father, he "imploded." The children stayed with Heather, Father's sister. They stayed until August 15, 2010. Father sent the children to Texas because they were all "frazzled." Father was very frustrated because Mother was not involved with the children. The children were having a hard time wondering why their mother was not around. Father also brought the children to Jewish Family Services because James was angry and hurting other children at school. Father got counseling for James. The children are no longer in counseling. James is now doing well in Head Start.

Father proposes supervised parenting time with James and Jetta in Arizona, twice a month, for Mother. He further proposes Mother continue to test for drugs for 3 years or at least 9 months. He also proposes she get psychiatric care. Father is requesting Hope live with him as well and the parties have joint legal custody but physical custody remain with Mother (sic).

Mother lives in Chico, California. Father has family there as well.

Significant domestic violence

Mother testified to significant domestic violence, physical, sexual, and emotional. She testified in December 2009, he forced her to have anal sex. In Chico, in 2006, Father took James

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and locked the child in a car. She was grabbed by the neck and a neighbor pulled him off of her. Secondly, Father slashed her tires when she held James in her arms. That incident was reported to the police and Father admitted he had slashed her tires. Father was drinking and on meth at the time.

Mother testified in February 2010 Father would lock her in their apartment while Father went to work. He would lock the door when he left for work and she did not have the key to get out. Then, he would take the battery out of her car so she could not go anywhere. Meanwhile, the parties had this matter dismissed so they could reconcile. By February 29, 2010, Mother's father sent her a ticket and she left to go to Chico, CA to be with her family.

THE COURT FINDS there has been significant domestic violence in this matter and joint legal custody is NOT in the children's best interests.

David Overton testified. He is Mother's father. Paternal grandfather testified Alisa had gone a long way since she returned to California. Mother has lived with him for about 10 months. She is clean and sober. Grandfather has been clean and sober "six years this coming February." He testified all children could live with him. He testified she had a problem with methamphetamine, marijuana, and alcohol. She had taken "all the suggestions" of the 12-step program. She is involved with Touch Stone. She takes care of Hope and grandfather helps with the care. Mother started working 3 weeks ago as an in-home care giver. She works for a state entity. The Court has reviewed the photographs of the home of maternal grandfather and finds it appears appropriate. Grandfather has a criminal history and has served time in jail in 2000. Previous to that, he was on "parole" for manufacturing methamphetamine, conviction year approximately 1993. Mother testified her Father has been clean and sober for 6 years and is a drug and alcohol counselor in California.

CHILD SUPPORT

Father earns \$12.00 an hour, 44 hours a week, or \$2,288.00 monthly.

Mother earns \$8.15 an hour and the Court imputes a 40-hour work week to her.

Child care: CPS is assisting.

Health insurance: Father is waiting for State care.

Father requests past child support from March 1, 2010-August 2010. Ongoing, he is not asking for child support if she pays for her own transportation to visit with her children and pay for Father to go to California to visit with Hope.

ATTORNEY'S FEES

Each party shall bear their own fees and costs.

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THE COURT FINDS AND DETERMINES AS FOLLOWS:

The Court appointed counsel suggests that Mother should be the primary custodian of the children and that Mother be responsible for picking up the children in Texas.

This Court has concerns that neither parent is minimally adequate to parent all three children. Mother appears to be doing well with one child; Father takes “time out” from his 2 children by sending them to Texas to relieve his stress.

Accordingly,

IT IS ORDERED the Court appoints a Best Interest Attorney at the Court’s expense (finding the parties indigent) to review this matter for a dependency filing. The Court notes that Mother has had a significant history of drug usage and mental/emotional health issue. Father has a history of alcohol and drug usage as well as domestic violence. The Court’s concerns shall be address by the Best Interest Lawyer and a dependency shall be filed if legally supported. In this Court’s view, the parties would benefit from extended services and, further, perhaps Paternal Aunt should be named the children’s guardian.

Consequently, a dissolution finding shall abide the final issue of custody and primary parent.

IT IS FURTHER ORDERED the Best Interest Lawyer shall be Jennifer Ryan Touhill and the report shall be submitted to this Court within 30 days of the filing date of this minute entry. A separate minute entry shall issue.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.